

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

IN RE: FLATT, Jerrold V.)	
)	APPEAL NO. _____
SERIAL NO: 09/992,764)	
)	
FOR: SOFTWARE ARTICLE, SYSTEM)	
AND METHOD FOR PHYSICIAN)	
REFERRAL SERVICES)	
)	
FILED: November 6, 2001)	
)	
GROUP ART UNIT: 3626)	

Mail Stop Appeal Brief - Patents
To the Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Office communication dated May 9, 2007, please replace the "Summary of Claimed Subject Matter" section in the Appeal Brief filed April 2, 2007 with the following replacement section pursuant to MPEP § 1205.03(B).

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is, on the date shown below, being:

EXPRESS MAILING

☐ deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to the Commissioner for Patents, Mail Stop Appeal Brief – Patents P.O. Box 1450, Alexandria, VA 22313-1450

ELECTRONIC

☒ transmitted by electronic to the Patent and Trademark Office, using the EFS

Date: 5/21/07


JEFFREY D. HARTY

VI. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed toward a method of managing patient referrals between health care providers. The method includes providing a web site accessible to a plurality of health care providers, receiving through the web site a plurality of health care provider registrations, each associated with a health care provider, receiving a request for a patient consultation from a first health care provider to be performed by a second health care provider, both the first health care provider and the second health care provider having a health care provider registration, notifying the second health care provider of the request for a patient consultation according to a preferred mode of communication setting set by the second health care provider on the web site, and receiving a peer rating from the first health care provider of the second health care provider. *See* Specification, p. 6, l. 23 – p. 7, l. 24; p. 20, ll. 2-16.

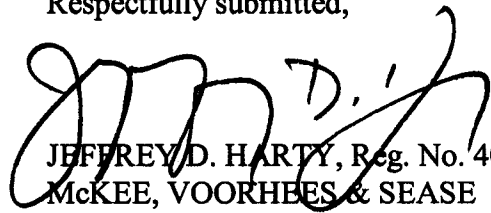
Independent claim 18 is directed toward a system for managing patient referrals. The method includes a web site accessible to a plurality of health care providers, at least one registration web page within the web site to allow each of the plurality of health care providers to register to become registered health care providers, an inbox within the web site associated with at least one of the registered health care providers and containing at least one request for a patient consult made to the at least one of the registered health care providers, an outbox within the web site associated with the at least one of the registered health care providers and containing at least one request for a patient consult made by the at least one of the registered health care providers, a peer review component for providing feedback related to a patient consult by a consulting health care provider from a referring health care provider, and a mode of communication preference set by a referring health care provider and provided to a consulting health care provider. *See* Specification, p. 6, l. 23 – p. 7, l. 24; p. 13, l. 22 – p. 14, l. 4; p. 20, ll. 2-16; Fig 7B.

Independent claim 25 is also directed toward a method of managing patient referrals. The method includes providing a web site accessible to a plurality of health care providers, the plurality of health care providers including a referring physician and a consulting

physician, receiving a request on the web site from the referring physician for a patient consultation to be performed by the consulting physician on a patient, notifying the consulting physician of the request for a patient consultation, requesting an authorization number for the patient consultation from an insurer providing insurance to the patient, wherein the step of notifying the consulting physician is notifying the consulting physician according to a preferred mode of communications setting set by the consulting physician on the web site. *See* Specificaion, p. 6, l. 23 – p. 7, l. 24; p. 13, l. 22 – p. 14, l. 4; Fig. 7B.

This replacement section is believed to address all deficiencies raised in the May 9, 2007 Office communication. No fees or extensions of time are believed due with this filing, however if any fees or extensions are due, please consider this a request to debit or credit Deposit Account No. 26-0084 accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. D. Harty', is written over the printed name and firm name.

JEFFREY D. HARTY, Reg. No. 40,639
McKEE, VOORHEES & SEASE
Attorneys of Record
CUSTOMER NO. 22885

801 Grand - Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667